

**TWENTY-FOURTH LEGISLATIVE DAY  
WEDNESDAY, JANUARY 29, 2003**

House of Representatives

The House convened at 1 p.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent and excused -- Stevenson. Total -- 1.  
Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Danielle Cooper, Page.

**Approval of Journal**

January 29, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-third Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

**Report of Standing Committees**

January 29, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 123**, **H 124**, **H 125**, and **H 126**.

FIELD(18), Chairman

**H 123** was referred to the Judiciary, Rules, and Administration Committee.

**H 124** and **H 125** were referred to the Resources and Conservation Committee.

**H 126** was referred to the Revenue and Taxation Committee.

January 28, 2003

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 114** and recommend that it do pass.

WOOD, Chairman

**H 114** was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

**Motions, Memorials, and Resolutions**

**HOUSE JOINT MEMORIAL NO. 1  
BY HEALTH AND WELFARE COMMITTEE**

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Americans everywhere pay equal premiums to support Medicare, the health insurance program primarily for people sixty-five years of age and older; and

WHEREAS, physician reimbursement for services provided to Medicare beneficiaries are set by the federal government according to a complex formula; and

WHEREAS, because of the way the Medicare formula is written, reimbursement for medical services is much higher in larger, more populous states than it is in small, rural states like Idaho; and

WHEREAS, this disparity can result in the physician or other provider in Idaho being reimbursed half as much as a colleague in another state for the same service; and

WHEREAS, this disparity is unjustified and unfair and has a negative impact on patient access to services in Idaho; and

WHEREAS, the Idaho Medical Association has joined its peers from seventeen other small states to form the Geographic Equity in Medicare (GEM) Coalition; and

WHEREAS, Iowa Senator Charles Grassley introduced S.2873 "Improving Our Well-Being Act" in the last Congress to remedy this geographic disparity but that legislation was not acted upon.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we hereby respectfully urge the members of the Idaho Congressional delegation to support the passage of legislation similar to S.2873 as introduced by Senator Grassley that removes the geographic disparity in Medicare reimbursements that currently exists in the Medicare program.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**HJM 1** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference**

**of Bills and Joint Resolutions**

**HOUSE BILL NO. 127**  
**BY AGRICULTURAL AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO ANIMAL DISEASE CONTROL; AMENDING CHAPTER 2, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-207A, IDAHO CODE, TO AUTHORIZE THE DIVISION OF ANIMAL INDUSTRIES TO PROMULGATE RULES FOR THE REGULATION AND PROHIBITION OF CERTAIN PRIVATE FEEDING OF BIG GAME ANIMALS WITH THE COOPERATION OF THE DEPARTMENT OF FISH AND GAME.

**HOUSE BILL NO. 128**  
**BY AGRICULTURAL AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO FUR-BEARING ANIMALS; AMENDING SECTION 25-3001, IDAHO CODE, TO REVISE CRITERIA FOR THE LAWFUL BUSINESS OF PROPAGATING, BREEDING, OWNING OR CONTROLLING CERTAIN FUR-BEARING ANIMALS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 25-3004, IDAHO CODE, TO EXPAND THE RULEMAKING AUTHORITY OF THE ADMINISTRATOR OF THE DIVISION OF ANIMAL INDUSTRIES RELATING TO DOMESTIC FUR-BEARING ANIMALS AND FUR FARMS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 25-236, IDAHO CODE, TO REFERENCE RULEMAKING AUTHORITY OF THE ADMINISTRATOR OF THE DIVISION OF ANIMAL INDUSTRIES RELATING TO DOMESTIC FUR-BEARING ANIMALS AND FUR FARMS, TO STRIKE AN EXCEPTION TO CERTAIN PROHIBITED CONDUCT RELATING TO LIVE FOX, SKUNK AND RACCOON, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 129**  
**BY AGRICULTURAL AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO POTATOES FOR PLANTING; AMENDING SECTION 22-503, IDAHO CODE, TO PROVIDE THAT CERTAIN POTATOES SHALL BE ACCOMPANIED BY A PLANT HEALTH CERTIFICATE, TO CLARIFY THE TYPE OF INFORMATION TO BE INCLUDED WITH THE CERTIFICATE OF INSPECTION AND PLANT HEALTH CERTIFICATE, TO REVISE THE STANDARDS FOR SEED BEING IMPORTED INTO IDAHO, TO PROVIDE FOR IMPORTED SEED LOTS THAT EXCEED CERTAIN TOLERANCES, TO CLARIFY RESTRICTIONS FOR IDAHO GROWERS PLANTING UNCERTIFIED POTATOES AND TO DELETE UNNECESSARY VERBIAGE.

**HOUSE BILL NO. 130**  
**BY REVENUE AND TAXATION COMMITTEE**  
 AN ACT

RELATING TO TAXATION; AMENDING SECTION 63-115, IDAHO CODE, TO DELETE THE CREDIT FOR

FILING AN INCOME TAX RETURN ELECTRONICALLY; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION TO CERTAIN INCOME TAX RETURNS AND PROVIDING AN EFFECTIVE DATE FOR OTHER INCOME TAX RETURNS.

**HOUSE BILL NO. 131**  
**BY REVENUE AND TAXATION COMMITTEE**  
 AN ACT

RELATING TO COUNTY RECORDING FEES; AMENDING SECTION 31-3205, IDAHO CODE, TO INCREASE THE FEE FOR RECORDING EACH PAGE OF A DOCUMENT, TO INCREASE THE FEE RECORDING A TOWN PLAT OR MAP AND TO INCREASE THE FEE FOR ISSUING A MARRIAGE LICENSE.

**H 127, H 128, H 129, H 130, and H 131** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

**H 50**, by Mr. Speaker, requested by Department of Correction, was read the second time by title and filed for third reading.

**H 71**, by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

**H 86 and H 83**, by State Affairs Committee, were read the second time by title and filed for third reading.

**H 67**, by Mr. Speaker, requested by Department of Parks and Recreation, was read the second time by title and filed for third reading.

**H 30, H 59, and H 60**, by Mr. Speaker, requested by Department of Insurance, were read the second time by title and filed for third reading.

**H 44**, by Mr. Speaker, requested by Department of Lands, was read the second time by title and filed for third reading.

**H 82 and H 88**, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

**S 1022 and S 1025**, by Finance Committee, were read the second time by title and filed for third reading.

There being no objection, the House returned to the Fourth Order of Business.

**Consideration of Messages from the Governor and the Senate**

January 29, 2003

Mr. Speaker:

I return herewith enrolled **HCR 4, HCR 5, HCR 6, HCR 7, H 1, and H 70** which have been signed by the President.

WOOD, Secretary

Enrolled **HCR 4, HCR 5, HCR 6, and HCR 7** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

**H 1** and **H 70** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

There being no objection, the House advanced to the Eleventh Order of Business.

### Third Reading of Bills and Joint Resolutions

**H 6** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Jones to open debate.

The question being, "Shall **H 6** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Bieter, Block, Boe, Bradford, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Naccarato, Nielsen, Ridinger, Ring, Ringo, Robison, Rydalc, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Tilman, Trail, Wills, Mr. Speaker. Total -- 58.

NAYS -- Barrett, Bolz, Campbell, Harwood, Kulczyk, McKague, Moyle, Raybould, Roberts, Wood. Total -- 10.

Absent and excused -- Black, Stevenson. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 6** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**HCR 12** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Jones to open debate.

The question being, "Shall **HCR 12** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould,

Ridinger, Ring, Ringo, Roberts, Robison, Rydalc, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Black, Stevenson. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **HCR 12** adopted and ordered the resolution transmitted to the Senate.

**H 78** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ring to open debate.

The question being, "Shall **H 78** pass?"

Roll call resulted as follows:

AYES -- Andersen, Bauer, Bell, Black, Boe, Campbell, Clark, Crow, Deal, Henbest, Jaquet, Langford, Langhorst, Martinez, Mitchell, Naccarato, Ring, Ringo, Robison, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 29.

NAYS -- Barraclough, Barrett, Bedke, Bieter, Block, Bolz, Bradford, Cannon, Collins, Cuddy, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Kellogg, Kulczyk, Lake, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Raybould, Ridinger, Roberts, Rydalc, Sali, Sayler, Schaefer, Smith(24), Tilman. Total -- 39.

Absent and excused -- Jones, Stevenson. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 78** failed to pass the House and ordered the bill filed in the Office of the Chief Clerk.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Denney moved that the House adjourn until 1 p.m., Thursday, January 30, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 1:37 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk